S 1768

# Acts and Laws,

Paſſed by the Great and General Court or Aſſembly of His Majeſty's Province of the *Maſſachuſetts-Bay* in *New-England:* Begun and held at *Boſton*, in the County of *Suffolk* upon Wedneſday the Twenty-ſeventh Day of *May* 1767.

## CHAP. I.

An Act for granting the Sum *Thirteen Hundred Pounds*, for the Support of his Majeſty's Governor.

Grant of £. 1300 for the Support of his Majeſty's Governor.

*BE it enacted by the* Governor, Council, *and Houſe of* Repreſentatives, That the Sum of *Thirteen Hundred Pounds*, be and hereby is granted unto his moſt Eexcellent Majeſty, to be paid out of the public Treaſury, to his Excellency *FRANCIS BERNARD*, Eſquire, Captain-General and Governor in Chief in and over his Majeſty's Province of the *Maſſachuſetts-Bay*, to enable him to carry on the Affairs of this Government.

## CHAP. II.

## An Act for ſupplying the Treaſury with the Sum of *one Hundred and twenty-five Thouſand, eight Hundred and fifty Pounds*, to be applied for the Redemption of Government Securities that will become due in the Year of our Lord One Thouſand ſeven Hundred and ſixty eight.

Treaſury ſupplied with £. 125,850.

*BE it enacted by the* Governor, Council, *and Houſe* of Repreſentatives, That the Treaſurer of the Province be, and he hereby is directed and impowered to borrow of ſuch Perſon or Perſons as ſhall appear ready to lend the ſame from Time to Time, as he ſhall have occaſion for the Money, a Sum not exceeding *One Hundred and twenty-five Thouſand, eight Hundred and fifty Pounds*, in mill'd Dollars at *ſix Shillings* each, or in the ſeveral Species of coined Silver and Gold enumerated in an Act made and paſſed in the twenty third Year of his late Majeſty King *George* the Second intituled, *An Act for aſcertaining the Rates at which coined Silver and Gold, Engliſh half-pence, and Farthings may paſs within the Government*: And the Sum ſo borrowed ſhall be applied in Manner as in this Act is hereafter directed; and for the ſaid Sum the Treaſurer ſhall give his Receipt or Obligation in the Form following.

Form of the Treaſurer's Notes.

*Province of the* Maſſachuſetts Bay.

*The Day of A. D.*

*Borrowed and Received of the Sum of for the Uſe and Service of the Province of the* Maſſachuſetts-Bay, *and in behalf of ſaid Province, I do promiſe and oblige myſelf and Succeſſors in the Office of Treaſurer, to repay the ſaid or to his Order, the twentieth Day of* June *One Thouſand ſeven Hundred and Sixty nine the aforeſaid Sum of in* Spaniſh *mill'd Dollars, at* ſix Shillings *each, or in the ſeveral Species of coined Gold and Silver, enumerated in an Act made and paſſed in the Twenty-third Year of his late Majeſty King* GEORGE *the Second intituled,* An Act for aſcertaining the Rates at which coined Silver and Gold, Engliſh half-Pence and Farthings may paſs within the Government; *and according to the Rates therein mentioned with the Intereſt annually at five per Cent.*

*Witneſs my Hand,*

A. B. }
C. D. } Committee, H. G. Treaſurer.
E. F. }

And no Receipt ſhall be given for leſs than *ſix Pounds.*

Treaſurer to obſerve the directions of the Act of the 2d of his preſent Majeſty.

And the Treaſurer in iſſuing ſaid Receipts and Obligations, and the Committee choſen to Counterſign them ſhall obſerve and be governed by the Rules and Directions given them by an Act of this Province, made in the Second Year of his preſent Majeſty's Reign intituled, *An Act to Supply the Treaſury with the Sum of twenty-five Thouſand Pounds.*

*And*

*And be it further enacted,* That the ſaid Sum of *One Hundred and twenty-five Thouſand, eight Hundred and fifty Pounds,* ordered to be borrowed by this Act, when received into the Treaſury ſhall be applied by the Treaſurer for the Redemption of Government Securities that will become due in *June,* One Thouſand ſeven Hundred and ſixty-eight.

Money borrowed to be applied for the Redemption of Government Securities.

*And in order to draw ſaid Money into the Treaſury again, and enable the Treaſurer effectually to diſcharge the Receipts and Obligations, (with the Intereſt that may be due thereon) by him given in purſuance of this Act.*

We his Majeſty's moſt dutiful and loyal Subjects, the Repreſentatives of the Province of the *Maſſachuſetts-Bay,* in Great and General Court aſſembled, have chearfully given and granted unto his Moſt Excellent Majeſty, a Tax of *One Hundred and thirty-two Thouſand, one Hundred and forty two Pounds ten Shillings,* to be levied on Polls and Eſtates, both Real and Perſonal, within the Province, according to ſuch Rules, and in ſuch Proportions, on the ſeveral Towns and Diſtricts within this Province, as ſhall be agreed on and ordered by the Great and General Court or Aſſembly, at their Seſſion in *May,* One Thouſand ſeven Hundred and ſixty eight, and to be paid into the public Treaſury on or before the thirty-firſt Day of *March,* One Thouſand ſeven Hundred and ſixty nine. *And pray that it may be enacted, and be it accordingly enacted by the* Governor, Council, *and Houſe of* Repreſentatives, That there be, and hereby is granted unto his Moſt Excellent Majeſty, the Sum of *One Hundred and thirty two Thouſand, one Hundred and forty two Pounds ten Shillings,* to be accordingly levied on Polls and Eſtates, both Real and Perſonal, within the Province, according to ſuch Rules, and in ſuch Proportions, on the ſeveral Towns and Diſtricts within the Province, as ſhall be agreed on and ordered by the General Court or Aſſembly, at their Seſſion in *May,* One Thouſand ſeven Hundred and ſixty eight, and to be paid into the public Treaſury on or before the thirty-firſt Day of *March,* One Thouſand ſeven Hundred and ſixty nine.

Tax granted for the Sum borrowed, to be paid into the Treaſury 31ſt *March,* 1769.

*And be it further enacted,* That if the General Court at their Seſſions in *May,* One Thouſand ſeven Hundred and ſixty eight, and ſome Time before the twentieth Day of *June* in ſaid Year, ſhall not agree and conclude upon an Act apportioning the Sums which by this Act are engaged to be paid in ſaid Year, apportioned, aſſeſſed and levied; then and in ſuch Caſe, each Town and Diſtrict within this Province, ſhall pay by a Tax to be levied on the Polls and Eſtates, both Real and Perſonal within their Limits, the ſame Proportion of the ſaid Sum as the ſaid Towns and Diſtricts were Taxed by the General Court in the Tax-Act then laſt preceeding: And the Province Treaſurer is hereby impowered and directed ſome Time in the Month of *June,* in the ſame Year One Thouſand ſeven Hundred and ſixty-eight, to iſſue and ſend forth his Warrants, directed to the Aſſeſſors or Select-Men of each Town and Diſtrict within this Province, requiring them to aſſeſs the Polls and Eſtates both Real and Perſonal within their ſeveral Towns and Diſtricts for their reſpective Parts and Proportions of the Sums before directed and engaged to be aſſeſſed, to be paid into the Treaſury at or before the aforementioned Time: And the Aſſeſſors as alſo Perſons aſſeſſed, ſhall obſerve, be governed by, and ſubject to all ſuch Rules and Directions as ſhall have been given in the then laſt preceeding Tax-Act.

If the Court ſhall not apportion the Tax in *May,* 1768. The Tax ſhall then be apportioned as in the Tax Act preceeding.

Province Treaſurer to iſſue his Warrants accordingly.

CHAP.

## CHAP. III.

## An Act for ſupplying the Treaſury with the Sum of *Eighteen Thouſand, three Hundred Pounds.*

Preamble.

*WHEREAS no Proviſion is made to defrey the Charges of Government for the preſent Year: And whereas the Treaſurer has repreſented to this Court, that when the Taxes for the Year* One Thouſand ſeven Hundred and ſixty-ſix *are paid into the Treaſury, with the Exciſe upon Spirituous Liquors, there will be a Surpluſage in the Treaſury of at leaſt* Eighteen Thouſand, three Hundred Pounds.

Treaſury ſupplied with £. 18,300.

How appropriated.

*Be it enacted by the* Governor, Council, *and Houſe of* Repreſentatives, That the Treaſurer be, and he is hereby directed to apply the aforeſaid Sum of *Eighteen Thouſand, three Hundred Pounds* to defrey the Charges of Government for the enſuing Year, to be iſſued in the Manner following; that is to ſay, the Sum of *Eight Thouſand Pounds*, part of the aforeſaid Sum of *Eighteen Thouſand three Hundred Pounds*, ſhall be applied for the Payment of Grants made or to be made by this Court; and the further Sum of *Three Thouſand three Hundred Pounds*, part of the aforeſaid Sum of *Eighteen Thouſand three Hundred Pounds*, ſhall be applied for the Payment of his Majeſty's Council, and the Members of the Houſe of Repreſentatives ſerving in the Great and General Court during the ſeveral Seſſions of the preſent Year; And the further Sum of *Five Hundred Pounds*, part of the aforeſaid Sum of *Eighteen Thouſand three Hundred Pounds*, ſhall be applied for the purchaſing Proviſions, and the Commiſſary's Diſburſements, for the Service of the ſeveral Forts and Garriſons within this Province: And the further Sum of *Two Thouſand Pounds*, part of the aforeſaid Sum of *Eighteen Thouſand three Hundred Pounds*, ſhall be applied for the Diſcharge of Debts owing from this Province to Perſons who have ſerved, and ſhall ſerve them by Order of this Court, in ſuch Matters and Things where there is no Eſtabliſhment, nor any certain Sum aſſigned them for that Purpoſe; and for Paper, Writing and Printing for this Court, and Repairs of the Province-Houſe, Court-Houſe, Light-Houſe, Wood at Caſtle-*William*, and Repairs of Fortifications within this Province: And the further Sum of *Four Thouſand Pounds*, part of the aforeſaid Sum of *Eighteen Thouſand three Hundred Pounds*, ſhall be applied for the Payment of Expences of the ſeveral Forts and Garriſons within this Province: And the further Sum of *Four Hundred Pounds*, part of the aforeſaid Sum of *Eighteen Thouſand three Hundred Pounds*, ſhall be applied for the Payment of the Bounty upon Wheat and Flour: And the further Sum of *One Hundred Pounds*, part of the aforeſaid Sum of *Eighteen Thouſand three Hundred Pounds*, ſhall be applied to pay ſuch Contingent and unforeſeen Charges as may ariſe, and for no other purpoſe whatever.

Treaſurer to pay the Money out of the Appropriations directed by Warrant.

*And be it further enacted,* That the Treaſurer pay the aforeſaid Sum of *Eighteen Thouſand three Hundred Pounds*, out of ſuch Appropriations as ſhall be directed by Warrant, and no other: And the Secretary to whom it belongs to keep the Muſter Rolls and Account of Charge, ſhall lay before the Houſe of Repreſentatives, when they direct ſuch Muſter Rolls and Accounts of Charge after Payment thereof.

## CHAP. IV.

## An Act to prevent Frauds by the Adulteration of Pot-Aſh and Pearl-Aſh.

Preamble.

*WHEREAS the Manufacture of Pot-Aſh and Pearl Aſh is of great Importance to this Government, and as there are great Complaints of groſs Adulterations in ſaid Manufacture, which if not prevented, may not only be of great Diſadvantage to the Province in general, but to honeſt and induſtrious Individuals, and wholly deſtroy that valuable Branch of Manufacture:*

Caſks to be branded.

*Be it enacted by the Governor, Council, and Houſe of Repreſentatives,* That every Manufacture or original Owner of any Pot Aſh or Pearl-Aſh made for Sale, ſhall upon each Caſk or Veſſel, in which ſuch Pot-Aſh or Pearl-Aſh ſhall be packed, cauſe the ſame to be branded with the firſt Letter of his Chriſtian Name, and with his Sirname at length, as alſo the Name of the Town or Diſtrict in which ſuch Pot-Aſh or Pearl-Aſh was made; and every Perſon offering to ſell any Pot-Aſh or Pearl-Aſh (the Caſk or Veſſel in which the ſame is contained not being branded as aforeſaid) ſhall forfeit and pay the Sum of *Five Pounds.*

Penalty on mixing or adulterating.

*And be it further enacted,* That any Perſon who ſhall adulterate any Pot-Aſh or Pearl-Aſh by mixing the ſame with any Lime, Marine Salt, or any other Matter foreign to the Nature of thoſe Commodities, or by any other Way or Manner whatſoever, and afterwards offer the ſame to Sale, ſhall forfeit and pay a Sum not exceeding *Thirty Pounds*, nor leſs than *Five Pounds*, according to the Nature of the Offence, for each Ton thereof, and ſo in Proportion for any greater or ſmaller Quantity of Pot-Aſh or Pearl-Aſh.

Juſtice upon complaint to require Security of the Complainant to proſecute, &c.

*And be it further enacted,* That in Caſes where a ſtrong Suſpicion of Adulteration ariſes in either Pot-Aſh or Pearl-Aſh, if any credible Perſon ſhall make Complaint to a Juſtice of the Peace in the County where ſuch Pot-Aſh or Pearl-Aſh ſhall be offered to Sale, it ſhall be in the Power of ſuch Juſtice, firſt taking ſufficient Security of the Perſon to complaining to reſpond and pay the Perſon or Perſons whoſe Pot-Aſh or Pearl-Aſh ſhall be ſo ſuſpected and complained of, all his or their reaſonable Charge and Expence, and the Damage that ſhall ariſe by Reaſon of the ſaid Complaint, or for not proſecuting the ſame (provided the Pot-Aſh or Pearl Aſh ſuppoſed to be adulterated appear upon Trial to be good) and he is hereby enjoined to make out a Warrant directed to the Sheriff, his under Sheriff or Deputy, or either of the Conſtables of the Town, requiring them or either of them to ſeize and take into their Cuſtody ſo much of the Contents of any and every Caſk of Pot-Aſh or Pearl-Aſh (not exceeding the Quantity of Two Pounds) out of each ſuſpected Caſk as may be neceſſary in order to the Conviction of any Offender againſt this Act.

Juſtice to iſſue his Warrant to take out a ſufficient Quantity to make Trial.

Penalty on receiving aboard any Caſks not branded.

*And be it further enacted,* That the Maſter or Owner of any Ship or Veſſel who ſhall receive on board the ſame, any Pot-Aſh or Pearl-Aſh the Caſk containing the ſame not being branded as aforeſaid, ſhall forfeit and pay the Sum of *Five Pounds.*

Forfeitures applied.

*And be it further enacted,* That all Fines and Forfeitures ariſing by the Breach of this Act ſhall be applied, one Moiety thereof to and for the Uſe of this Government, and the other Moiety to and for the Uſe of the Proſecutor to be recovered by Action, Bill, Plaint or Information, in any of His Majeſty's Courts of Record.

Continuation of the Act.

This Act to be in Force from the Twentieth Day of *July* next, until the Twentieth Day of *July*, Anno Domini, One thouſand ſeven hundred and ſixty-eight.

## CHAP. V.

An Act to revive and continue an Act made in the fifth Year of his preſent Majeſty's Reign intitled, "An Act for allowing neceſſary Supplys to the "Eaſtern Indians, and for regulating Trade with "them, and preventing Abuſes therein," which is near expiring.

Preamble. *WHEREAS the aforementioned Act is found by experience very beneficial for regulating the Trade with the Eaſtern Indians.*

Act for regulating the Indian Trade revived. *Be it therefore enacted by the* Governor, Council, *and* Houſe *of* Repreſentatives, That an Act intituled *An Act for allowing neceſſary Supplys to the Eaſtern Indians, and for regulating Trade with them, and for preventing abuſes therein,* made in the fifth Year of his preſent Majeſty's Reign, in all and every Article and Clauſe, Matter and Thing, be and hereby is revived, and ſhall be in force until the thirtieth Day of *June*, which will be in the Year of our Lord One Thouſand ſeven Hundred and ſixty eight.

## CHAP. VI.

An Act for reviving and continuing ſundry Laws that are expired, and near expiring.

Acts revived, *WHEREAS the ſeveral Acts herein after mentioned which are now expired or near expiring, have been found uſeful and beneficial, viz.* Two Acts made in the thirteenth Year of the Reign of King *George* the Second, one intitled "An Act for the effectual preventing of Horſes and Neat Cattle, Sheep and Swine from running at large, or feeding upon a certain Iſland called *Plumb-Iſland*, lying in *Ipſwich*-Bay in the County of *Eſſex*; the other intitled, "An Act to prevent Damage being done to the Harbour of *Cape-Cod*, by Cattle and Horſe kind feeding on *Province*-Town Lands: Four Acts made in the ſixteenth Year of the ſaid Reign, one intitled, "An Act in Addition to and for rendering more effectual an Act for the regulating the Aſſize of Caſk, and preventing Deceit in Packing of Fiſh, Beef and Pork for Sale, made in the fourth Year of the Reign of King *William* and Queen *Mary*, and alſo for preventing Fraud and Injuſtice in the meaſuring of Grain; another Act intitled, "An Act to prevent Damage being done unto *Billingſgate* Bay, in the Town of *Eaſtham*, by Cattle and Horſe kind, and Sheep feeding on the Beach and Iſland adjoining thereto: Another Act intitled, "An Act to prevent the Multiplicity of Law Suits: Another Act intitled, "An Act in further Addition to, and Explanation of an Act intitled, "An Act for regulating Townſhips, Choice of Town Officers, &c. Two Acts made in the ſeventeenth Year of the ſame Reign; one Act intitled, "An Act for preventing Miſchief by unruly Dogs in the Iſland of *Nantucket*: the other Act intitled "An Act for preventing the Deſtruction of White Pine Trees within this Province, and for encouraging the preſervation of them for the Uſe of the Royal Navy: An Act made in the eighteenth Year of the ſame Reign intitled "An Act in Addition to the Act for preventing Damage to the Harbour of *Cape-Cod*, by Cattle and Horſe kind feeding on *Province* Town Land: An

for preventing Horſes, &c. feeding on Plumb Iſland, ditto in Province Town. for regulating Aſſize of Caſk, ditto of meaſuring Grain. for preventing Damage to *Billingſgate*-Bay. preventing Law Suits. regulating Townſhips. preventing Miſchief by unruly Dogs in *Nantucket*. preventing deſtruction of White Pine Trees. preventing Damage to *Cape-Cod* Harbour.

An Act made in the twentieth Year of the ſaid Reign, intitled An Act to prevent Damage being done unto *Noſſet* Meadow, by Cattle and Horſe kind feeding on the Beach adjoining thereto: Two Acts made in the twenty fourth Year of the ſaid Reign, one Act intitled, "An Act providing for the ſupport of Miniſters in new Plantations; the other Act intitled, "An Act in Addition to an Act for regulating Fences, Cattle, &c. An Act made it the twenty ſeventh Year of the ſame Reign intitled, "An Act to impower the Proprietors of the Meeting-Houſe in the firſt Pariſh in *Salem*, where the Rev'd Mr. *Dudley Leavitt*, now officiates, to raiſe Money to defrey Miniſterial and other neceſſary Charges: Two Acts made in the twenty eighth Year of the ſame Reign, one intitled "An Act for the ſecuring the Growth and Increaſe of a certain parcel of Wood and Timber in the Townſhips of *Ipſwich* and *Wenham*, in the County of *Eſſex*: Another Act intitled "An Act to prevent Damage being done on the Beaches, Hummocks and Meadows belonging to the Town of *Scituate*, lying between the Southerly End of the third Cliff, ſo called, and the Mouth of the North River: Two Acts made in the thirtieth Year of the ſaid Reign, one Act intitled, "An Act for further regulating the Courſe of Judicial Proceedings; the other Act intitled "An Act to prevent Damage being done on the Meadows and Beaches lying in the Townſhip of *Barnſtable*, on the South Side of the Harbour contiguous to the Common Field in ſaid Town: An Act made in the thirty firſt Year of the ſaid Reign, intitled "An Act in Addition to the ſeveral Acts for the better regulating the Indians: Two Acts made in the thirty ſecond Year of the ſame Reign, one Act intitled "An Act in Addition to an Act intitled An Act to prevent Fraud in Cord Wood expoſed to Sale: the other Act intitled "An Act in Addition to an Act intitled An Act for regulating of Fences, Cattle, &c. One Act made in the thirty third Year of the ſaid Reign, intitled "An Act to prevent Damage on a Beach at *Monument* Ponds in the Townſhip of *Plymouth*, lying between the Lands of the late *Thomas Clarke*, and *Joſeph Bartlet*, deceaſed, and on a certain Tract of Marſhy Ground lying under Water there: One Act made in the firſt Year of his preſent Majeſty's Reign, intitled "An Act for preventing the Stealing and clandeſtinely conveying Sheep away from the Iſland of *Martha*'s Vineyard in *Duke*'s *County*: two Acts made in the fourth Year of the ſaid Reign, one Act intitled, "An Act to impower the Proprietors of the Meeting-Houſe in the Town of *Newbury-Port*, where the Rev'd Mr. *Jonathan Parſons* officiates, to raiſe Money to defrey Miniſterial and other neceſſary Charges; the other Act intitled, "An Act in Addition to an Act intitled an Act to prevent the unneceſſary Deſtruction of Alewives in the Town of *Middleborough*.

ditto *Noſſet* Meadow.

providing for Miniſters in New Plantations.

regulating Fences.

impowering Proprietors of a Meeting-Houſe in *Salem*.

Securing the Growth of Wood at *Ipſwich* & *Wenham*.

preventing Damage to the Beaches, &c. at *Scituate*.

regulating Judicial Proceedings.

preventing Damage on *Barnſtable* Meadows, &c.

regulating Indians.

preventing Fraud in Cord Wood.

regulating Fences.

preventing Damage at *Monument* Ponds.

preventing the Stealing of Sheep at *Martha*'s Vineyard.

impowering the Proprietors of a Meeting-Houſe in *Newbury-Port*

preventing deſtruction of Fiſh at *Middleborough*.

*Be it therefore enacted, by the* Governor, Council, *and Houſe of* Repreſentatives, That ſuch of the beforementioned Acts as are expired, be revived, and ſuch of ſaid Acts as are not yet expired be continued with all and every Clauſe, Matter and Thing therein reſpectively contained, and ſhall be in force until the twentieth Day of *July*, One Thouſand ſeven Hundred and ſeventy two, and no longer.

The foregoing Acts were Publiſhed *June* 25, 1767.

*BOSTON*, New-England.
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